

ported from the State of Maryland into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Can) "Dogwood Brand Tomatoes Packed By W. W. Boyer & Co., Baltimore, Md. U. S. A."

Adulteration of the article was alleged in the libel for the reason that a substance, to wit, added puree, pulp, or juice from skins and cores of tomatoes, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted wholly or in part for tomatoes, which the said article purported to be.

Misbranding was alleged for the reason that the statement, "Tomatoes," together with the design showing a red ripe tomato, appearing on the labels, was false and misleading and deceived and misled the purchaser, since the article contained added puree, pulp, or juice from skins and cores of tomatoes. Misbranding was alleged for the further reason that the article was an imitation of and was offered for sale under the distinctive name of another article.

On May 17, 1923, W. W. Boyer & Co., Inc., Baltimore, Md., claimant, having admitted the allegations of the libel and consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$500, in conformity with section 10 of the act.

HOWARD M. GORE, *Secretary of Agriculture.*

**12677. Misbranding of butter. U. S. v. 15 Cases of Creamery Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18385. I. S. No. 7293-v. S. No. C-4285.)**

On February 12, 1924, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 15 cases of creamery butter, at Birmingham, Ala., alleging that the article had been shipped by the New Albany Creamery Co., from New Albany, Miss., on or about February 8, 1924, and transported from the State of Mississippi into the State of Alabama, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Carton) "Sunshine Creamery Butter One Lb. Net New Albany Creamery Co., New Albany, Miss."

Misbranding of the article was alleged for the reason that the statement "One Pound Net" was false and misleading and deceived and misled the purchaser, and for the further reason that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On March 29, 1924, the New Albany Creamery Co., New Albany, Miss., claimant, having admitted the allegations of the libel and consented to the entry of a decree, and the claimant having executed a bond in the sum of \$600, conditioned that the product be brought up to the declared net weight, judgment of condemnation and forfeiture was entered, and it was ordered by the court that it be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

**12678. Adulteration and misbranding of horse and mule feed. U. S. v. 75 Sacks of Horse and Mule Feed. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 18156. I. S. No. 7192-v. S. No. C-4219.)**

On December 14, 1923, the United States attorney for the Northern District of Alabama, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 75 sacks of horse and mule feed, at Boyles, Ala., alleging that the article had been shipped by the Sturges Co. from Meridian, Miss., on or about October 25, 1923, and transported from the State of Mississippi into the State of Alabama, and charging adulteration and misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Sack) "100 pounds Billy Buck Horse and Mule Feed Manufactured By Sturges Company, Meridian, Mississippi \* \* \* Protein 9%."

Adulteration of the article was alleged in the libel for the reason that a substance low in protein had been mixed and packed with and substituted wholly or in part for the said article.